

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1947 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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Navneet Prakash Sinha, S/o Late Uday Prakash Sinha, residence of Mohalla A.G. Colony, Park Road, P.S. Shastrinagar, District Patna. At present working and posted as Union Bank of India Lauria, District Bettiah as Branch Manager

.... Petitioner

Versus

1. The State of Bihar through Excise Department, Bihar, Patna
2. Collector-cum-District Magistrate, Patna

.... Respondents

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Appearance :

For the Petitioner : Md. Shahnawaz Ali, Advocate

For the Respondents : Mr. Vikash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing the order dated 22.08.2017 passed in Confiscation Case No. 382 of 2017-18 by the Collector, Patna whereby the Collector has confiscated the TOYOTA ETIOS LIVA of the petitioner bearing registration no. BR01CL 3948, Chasis No. MBJK49BTX000771980515, Engine No. IND1413144. Further prayer is for release of the said vehicle as well as Samsung J7 along with mobile no. 7762990946 which were seized by the police in connection with Budha Colony P.S. Case No. 171 of 2017 for alleged violation of the Bihar Excise Law as no purpose would be served by its continued detention of the same in police lock up as well as on the ground that authority of the executive to pre-trial conviction is under



challenge before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**).

After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle as well as mobile phones be released in favour of the petitioner on execution of surety bond of Rs.4,00,000/- (rupees four lakhs) (not in the form of bank guarantee or cash) with two sureties of the like amount each on production of the document of ownership of the car as well as the mobile phone to the satisfaction of the learned court below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

The release shall be subject to the result of the L.P.A. aforesaid.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.10.2017
Transmission Date	18.10.2017

